

AMENDED IN SENATE JUNE 24, 2002

AMENDED IN ASSEMBLY MAY 1, 2002

AMENDED IN ASSEMBLY APRIL 18, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1774

Introduced by Assembly Member Canciamilla

January 9, 2002

~~An act to amend Section 3340 of the Civil Code, relating to animals.~~
*An act to amend Section 3 of Chapter 815 of the Statutes of 1976,
relating to tide and submerged lands in the Straits of Carquinez.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1774, as amended, Canciamilla. ~~Animals~~ *Tide and submerged land: Straits of Carquinez: land restrictions.*

Existing law grants to the City of Martinez, and to its successors, all right, title, and interest of the state held by virtue of its sovereignty in and to 3 specified parcels of land situated in the County of Contra Costa, and provides that one of those parcels, identified as Parcel "A", shall be held by the city and its successor in trust for specified uses, in which there is general, statewide interest, and upon express conditions. Those conditions include, among other things, a requirement that Parcel "A" be used only for Marina spoils and spoil removal, parking, boat storage, chandlery, recreation, landscaping, and any other use permitted by the Martinez Waterfront Land Use Plan, and expressly prohibits the placement of any building or structure on Parcel "A" that exceeds 20 feet in height.

This bill would eliminate the 20 feet height limit on a building or structure placed on land in Parcel "A".

~~Existing law provides for the award of exemplary damages if an injury to an animal resulted from a willful or grossly negligent act, in disregard of humanity.~~

~~This bill would provide that exemplary damages are recoverable for wrongful injuries to animals that are property, committed willfully or by gross negligence, and would delete the requirement that the injury be in disregard of humanity. The bill would specify that these provisions do not alter any other rights or remedies provided under the law.~~

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 3340 of the Civil Code is amended to~~
 2 *SECTION 1. Section 3 of Chapter 815 of the Statutes of 1976*
 3 *is amended to read:*

4 Sec. 3. (a) There is hereby granted to the City of Martinez,
 5 and to its successors, all right, title and interest of the state held by
 6 virtue of its sovereignty in and to the three parcels of land situated
 7 in the County of Contra Costa and described as follows:{C}Parcel
 8 "A"

9 Commencing at the intersection of the north line of Tideland
 10 Survey No. 9 and the east line of North Court Street as shown on
 11 Map of "City of Martinez Waterfront Area" filed March 10, 1955,
 12 in Volume 16, Pages 39 to 43, Licensed Surveyor's Maps in the
 13 Office of the Contra Costa County Recorder; thence along said
 14 northerly line of Tideland Survey No. 9 North 76° 56' 53" East
 15 488.36 feet; thence leaving said northerly line North 20° 03' 30"
 16 West 130.00 feet; thence North 63° 50' 00" East 85.00 feet to the
 17 true point of beginning; thence North 03° 30' 00" East 110.00
 18 feet; thence North 12° 10' 00" East 660.00 feet; thence North 05°
 19 05' 39" West 119.71 feet; thence North 88° 03' 16" East 242.85
 20 feet; thence South 12° 10' 00" West 797.24 feet; thence South 63°
 21 50' 00" West 233.84 feet to the point of beginning.{C}Parcel "B"

22 Commencing at the intersection of the north line of Tideland
 23 Survey No. 9 and the east line of North Court Street as shown on
 24 Map of "City of Martinez Waterfront Area" filed March 10, 1955,
 25 in Volume 16, Pages 39 to 43, Licensed Surveyor's Maps in the

1 Office of the Contra Costa County Recorder; thence along said
 2 northerly line of Tideland Survey No. 9 North $76^{\circ} 56' 53''$ East
 3 488.36 feet; thence leaving said northerly line North $20^{\circ} 03' 30''$
 4 West 130.00 feet; thence North $63^{\circ} 50' 00''$ East 318.84 feet to the
 5 true point of beginning being the southeasterly corner of Parcel
 6 "A" described above; thence North $12^{\circ} 10' 00''$ East 797.24 feet
 7 along the east line of said Parcel "A"; thence leaving said east line
 8 North $88^{\circ} 03' 16''$ East 156.26 feet; thence South $89^{\circ} 00' 00''$ East
 9 100.00 feet; thence South $66^{\circ} 20' 00''$ East 120.00 feet; thence
 10 South $25^{\circ} 45' 00''$ East 453.00 feet; thence South $68^{\circ} 10' 00''$
 11 West 385.00 feet; thence South $63^{\circ} 50' 00''$ West 416.16 feet to
 12 the point of beginning. {C} Parcel "C"

13 That parcel of land described in the lease to the Southern Pacific
 14 Transportation Company by the City of Martinez per Resolution
 15 No. 111 (1959 series) dated August 5, 1959, and Resolution No.
 16 72-75 dated June 4, 1975.

17 The bearings and distances used in the above descriptions of
 18 Parcels "A" and "B" are based on the California Coordinate
 19 System Zone 3 as shown on Map of "City of Martinez Waterfront
 20 Area" filed March 10, 1955, in Volume 16, Pages 39 to 43,
 21 Licensed Surveyor's Maps in the Office of the Contra Costa
 22 County Recorder.

23 (b) Such lands shall be held by the city and its successor in trust
 24 for the following uses, in which there is a general, statewide
 25 interest, and upon the following express conditions:

26 Parcel "A" shall be used only for Marina spoils and spoil
 27 removal, parking, boat storage, chandlery, recreation,
 28 landscaping, and any other use permitted by the Martinez
 29 Waterfront Land Use Plan; ~~provided that in no event shall any~~
 30 ~~building or structure be placed on parcel "A" that exceeds 20 feet~~
 31 ~~in height.~~

32 Parcel "B" shall be used only for Marina spoils and spoil
 33 removal and any other use permitted by the Martinez Waterfront
 34 Land Use Plan.

35 Parcel "C" shall be used only in its present use as a railroad
 36 right-of-way.

37 Further, all such uses shall accord with the terms and conditions
 38 of the lease and agreements specified in subdivision (f) of Section
 39 1, and the development and operation of the entire area of such
 40 parcels shall be under the supervision of the City-State Committee,

1 in the same manner as is presently provided by such lease and
2 agreements with respect to lands subject to such lease and
3 agreements.

4 The grant made by this section shall not become effective unless
5 and until the city files quitclaim to all previously granted tidelands
6 that are within the area hereby granted to the district by this act and
7 described in Section 15.

8 read:

9 ~~3340. Exemplary damages are recoverable for wrongful~~
10 ~~injuries to animals being subjects of property or guardianship,~~
11 ~~committed willfully or by gross negligence. This section does not~~
12 ~~alter any other rights or remedies provided under the law.~~

